

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VA
LYNCHBURG DIVISION

IN RE:
MIA KANG AKA L.L.C. MK
INTERNATIONAL

BCN#: 09-64010\WEA
Chapter: 7

Debtor(s)

SUNTRUST MORTGAGE INC.
or present noteholder,
Movant/Secured Creditor,

v.
MIA KANG AKA L.L.C. MK
INTERNATIONAL

Debtor(s)

and
WILLIAM SCHNEIDER
Trustee
Respondents

MOTION FOR ORDER GRANTING
RELIEF FROM AUTOMATIC STAY

SUNTRUST MORTGAGE INC., and/or present noteholder, (Movant herein), alleges as follows:

1. The Bankruptcy Court has jurisdiction over this contested matter pursuant to 28 U.S.C. §157 and §1334; 11 U.S.C. §362; and Federal Rule of Bankruptcy Procedure 9014.
2. The above named Debtor(s) filed a Chapter 7 Petition in Bankruptcy with this Court on December 18, 2009.
3. WILLIAM SCHNEIDER, has been appointed by this Court as the Chapter 7 Trustee in this instant Bankruptcy proceeding.
4. Movant is the current payee of a promissory note secured by a deed of trust upon a parcel of real property with the address of 9088 ARLINGTON BV, Fairfax, VA 22031 and more particularly described in the Deed of Trust dated August 24, 2006 and recorded among the land records of the said city/county, as:

LOT TWENTY-SIX (26), SECTION ONE (1), COVINGTON, AS THE SAME
APPEARS DULY DEDICATED, PLATTED AND RECORDED IN DEED BOOK 3784
AT PAGE 445 AMONG THE LAND RECORDS OF A FAIRFAX COUNTY, VIRGINIA.

Trenita Jackson-Stewart, VSB# 48412
SHAPIRO & BURSON, LLP
236 CLEARFIELD AVENUE, SUITE 215
VIRGINIA BEACH, VA 23462
(757) 687-8777 09-171130D

5. Movant is informed and believes and, based upon such information and belief, alleges that title to the subject Property is currently vested in the name of the Debtor(s).

6. The Debtor(s) is/are in default with regard to payments which have become due under the terms of the aforementioned note and deed of trust. The Debtor is due for:

- o 8 monthly payments of \$1,978.44 each which were to be paid directly to Movant;
- o Accrued Late Charges of \$337.50
- o Property Inspection of \$43.00

7. The Movant has elected to initiate foreclosure proceedings on the Property with respect to the subject Trust Deed, but is prevented by the Automatic Stay from going forward with these proceedings.


8. This Movant is informed and believes and, based upon such information and belief, alleges that absent this Court's Order allowing this Movant to proceed with the pending foreclosure, Movant's security will be significantly jeopardized and/or destroyed.

9. Continuation of the automatic stay of 11 U.S.C. Section 362(a) will work real and irreparable harm and deprive the Movant of the adequate protection to which it is entitled under 11 U.S.C. Section 362 due to the aforementioned facts.

WHEREFORE, Movant prays for an order granting relief from Automatic Stay, that the 14 day waiting period imposed by F.R.B.P. 4001(a)(3) be waived in this instant bankruptcy proceeding only, and for such other relief as the court may deem meet and proper.

Dated: 3/7-10

SHAPIRO & BURSON, LLP
Attorneys for Movant

By: 
Trenita Jackson-Stewart, VSB# 48412
SHAPIRO & BURSON, LLP
236 CLEARFIELD AVENUE, SUITE 215
VIRGINIA BEACH, VA 23462
(757) 687-8777

CERTIFICATE OF SERVICE

I certify that I have electronically transmitted and/or mailed true copies of the above mentioned Motion for Relief from Stay by first class mail, postage pre-paid on the 17 day of March, 2010 to the following:

W. STEPHEN SCOTT
P.O. BOX 2737
Charlottesville, VA 22902

WILLIAM SCHNEIDER
PO BOX 739
LYNCHBURG, VA 24505

MIA KANG
14214 WOODPECKER LANE
Boston, VA 22713



TRENITA JACKSON-STEWART, VSB#48412

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NOTICE IS HEREBY GIVEN THAT:

A hearing upon the captioned motion will be held at 9:30AM, on April 19, 2010, at the following location:

U.S. BANKRUPTCY COURT
255 WEST MAIN STREET
CHARLOTTESVILLE, VA 22902

I hereby certify that a copy of this Notice was served upon the following parties and counsel on the 17 day of March, 2010;

W. STEPHEN SCOTT
P.O. BOX 2737
Charlottesville, VA 22902

WILLIAM SCHNEIDER
PO BOX 739
LYNCHBURG, VA 24505

MIA KANG
14214 WOODPECKER LANE
Boston, VA 22713

DATE: 3-17-10



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